

26 MAR 2003



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In re Application of
MIN, Mart *et al*
U.S. Application No.: 09/937,875
PCT No.: PCT/SE00/00572
Int. Filing Date: 23 March 2000
Priority Date: 31 March 1999
Attorney's Docket No.: P01,0337
For: A RATE ADAPTIVE PACEMAKER

DECISION
UNDER
37 CFR 1.181

This decision is in response to applicants' "Request for Reconsideration of Decision Dated December 19, 2002" filed 21 January 2003.

BACKGROUND

On 13 December 2002, a decision dismissing applicants' petition under 37 CFR 1.181 was mailed because applicants did not provide a date-stamped postcard receipt for the declaration purportedly filed 01 October 2001.

On 21 January 2003, applicants submitted the instant renewed petition which included a copy of the date-stamped postcard receipt for the documents filed 01 October 2001.

DISCUSSION

MPEP 503 lists procedures for applicants to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In the renewed petition, applicants have provided a copy of a postcard filing receipt. The receipt clearly identifies the application and all papers submitted. The filing receipt acknowledges that a "Declaration" was listed in the documents mailed 01 October 2001. The receipt has a date stamp of "533 Rec'd PCT/PTO 01 OCT 2001" across its face.

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Accordingly, applicants have provided *prima facie* evidence that the declaration was received by the USPTO on 01 October 2001.

DECISION

For the reasons above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The decision dated 13 December 2002 stated that the instant application has a 35 U.S.C. 371 date of 30 January 2002. Since applicants have submitted a grantable petition under 37 CFR 1.181, this date has changed. The application has an international filing date of 23 March 2000 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **01 October 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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